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July 20, 2017

VIA CM/ECF

Honorable Magistrate Judge Ramon E. Reyes
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: COLON, ELIEZER v. NATIONAL BROADBAND, et. Al.
Case No.: 1:16-cv-00249

Dear Magistrate Judge Reyes:

The undersigned, along with Martin Restituyo, Esq., represent Plaintiffs in the above captioned matter. Responsive to this Honorable Court's Text Order dated 7/19/2017, we write to provide a status of this claim.

Initially, it should be noted that Defendants have agreed to conditional certification, pursuant to 29 U.S.C. §216, and the parties are in the process of agreeing to the form of the proposed Notice of Lawsuit and Consent to Join, to be filed with this Honorable Court no later than Monday, July 31, 2017. Remaining at issue is Plaintiffs' desire to certify a class based on Rule 23, Fed.R.Civ.P. Defendants have not yet consented to Plaintiffs' intention to certify a class under Rule 23.

In the meantime, in accordance with the Court's Case Management Plan [DE 26], Defendants have just delivered responses to Plaintiffs' initial discovery requests. Defendants have stated that their initial requests will be forthcoming next week.

The parties request a bifurcated discovery schedule, and more specifically that the existing schedule, which provides a September 27, 2017, discovery deadline, be limited to the certification issue, and that a Rule 23 class certification briefing schedule be ordered by the Court thereafter. In this regard, the parties suggest that Plaintiffs' Motion for Certification be due October 27, 2017; Defendants' Opposition to Certification be due on November 27, 2017; and Plaintiffs' Reply be due on December, 15, 2017. After the decision on certification, the Parties request merits discovery be completed.

Thanking the Court in advance for its assistance in this matter.

Respectfully submitted,

s/ Jodi J. Jaffe
Jodi J. Jaffe, Esquire